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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA

13 IN RE BARD IVC FILTERS PRODUCTS
14 LIABILITY LITIGATION

15 This Document Applies to:

16 **DARRYL ALLEN FISET**

No. 2:15-MD-02641-PHX-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL (AMENDED)**

17 Plaintiff(s) named below, for their Complaint against Defendants named below,
18 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s)
19 further show the Court as follows:

21 1. Plaintiff/Deceased Party:

22 Darryl Allen Fiset (AKA Darryl A. Furman)

23 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium
24 claim:

25 None

26 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

27 None

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

OK

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

TX

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

OK

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Oklahoma

8. Defendants (Check Defendants against whom Complaint is made):

 C.R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other: _____

a. Other allegations of jurisdiction and venue not expressed in Mast
Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
(Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

G2® Vena Cava Filter

⊗ G2® Express

G2® X Vena Cava Filter

- Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other:

11. Date of Implantation as to each product:

07/16/2010

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable TX Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival

Punitive Damages

Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact. (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

Yes

□ No

RESPECTFULLY SUBMITTED this 27th day of June, 2019.

DALIMONTE RUEB STOLLER, LLP

By: *s/ Paul L. Stoller*
John A. Dalimonte
Paul L. Stoller
Ashley Crowell
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2019 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ *Donna M. Berrios*